



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

Michael R. Pence
Governor

Thomas W. Easterly
Commissioner

100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
Toll Free (800) 451-6027
www.idem.IN.gov

VIA ELECTRONIC MAIL

May 15, 2013

Mr. Robert Pendleton
Peabody Midwest Mining, LLC
7100 Eagle Crest Boulevard, Suite 100
Evansville, Indiana 47715

Dear Mr. Pendleton:

Re: Modification Request for
NPDES General Permit No. ING040206
IDNR Permit No. S-0354
Peabody Midwest Mining - Somerville East Mine
2 miles south of Arthur, Indiana, on Highway 61
Pike County

Your NPDES permit Notice of Intent letter received on December 14, 2012 requesting modification of the above-referenced general permit coverage has been reviewed. The following changes to the coverage were requested:

These existing outfalls are to be removed from the permit:

Outfall 009S (latitude 38°, 18', 54", longitude -87°, 14', 28"), and
Outfall 022 (latitude 38°, 18', 43", longitude -87°, 15', 19"), both discharging to
unnamed tributaries to Patoka River South Fork; and
Outfall 017S (latitude 38°, 19', 27", longitude -87°, 15', 06"), and
Outfall 012S (latitude 38°, 19', 25", longitude -87°, 15', 08"), both discharging to
Hat Creek.

The requests have been processed in accordance with Section 402 and 405 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et seq.), and IDEM's permitting authority under IC 13-15. Our office has received confirmation from the IDNR in Jasonville that all remaining field activity has been completed and applicable bond release processed. They concur therefore that outfalls 009S, 022, 017S, and 012S can be dropped from coverage. Your petitions are hereby approved in accordance with Indiana rules promulgated under 327 IAC15-7. Coverage for the facility will now include all outfalls listed on the first table of Attachment 1 to this correspondence.

The NPDES general permit identification number assigned to this facility in the previous approval will continue to apply, as will all other testing and reporting that are required under 327 IAC 15-7 using the forms that were sent to you previously. Should you need additional copies of this form it is also available on the internet at the following web site:

<http://www.in.gov/ideM/5104.htm>

Mr. Robert Pendleton
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327 IAC 15-7 is also available on the internet at the following website:

<http://www.in.gov/idem/4087.htm>

Additionally, you will continue to receive the computer generated preprinted federal NPDES DMR forms. Both the state and federal forms need to be completed and submitted on a routine basis. If you do not receive the preprinted DMR forms in a timely manner, please call this office at 317-232-8670.

These modifications shall be deemed effective, per your request, on June 1, 2013, unless a person aggrieved or adversely affected by the acceptance appeals this decision. Coverage under 327 IAC 15-7 for all remaining outfalls remains effective, and will expire on April 30, 2015. In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit such information and forms as required by the Indiana Department of Environmental Management no later than ninety (90) days prior to the date of expiration.

Please note that any person who is adversely affected or aggrieved by approval under the cited NPDES general permit rule may, within eighteen (18) days from the mailing date of this notification, appeal this acceptance by filing a written petition for administrative review with the Office of Environmental Adjudication, in accordance with IC 4-21.5-3-7. This petition constitutes a request for an adjudicatory hearing. The procedure for appeal is outlined in more detail on the attached page.

The Office of Environmental Adjudication will provide parties who request review of this approval with notice of prehearing conferences, preliminary hearings, hearing, and stays or orders disposing of all proceedings. Nonparties may receive such notices without intervening and formally becoming parties in the proceeding by requesting copies of such notices from the Office of Environmental Adjudication.

If you have any questions regarding this letter, please contact Ms. Sheri L. Jordan of our office at (317) 232-8703.

Sincerely,



Catherine Hess, Chief
Permits Administration Section
Office of Water Quality

Slj/

Attachment

cc: Sullivan County Health Department

ATTACHMENT 1

Peabody Midwest Mining - Somerville East Mine

NPDES PERMIT NO. ING040206

EFFECTIVE DATE: **June 1, 2013**

OUTFALLS PERMITTED FOR THIS FACILITY

OUTFALL	DNR BASIN	LATITUDE	LONGITUDE	MINE DRAINAGE STATUS	RECEIVING WATER
FC2	FC2 S-0354	38°, 19', 03"	-87°, 15', 18"	Post-Mining	Hat Creek

The following outfalls have been removed and are no longer covered under this permit:

<u>009S</u>	009S S-0354	38°, 18', 54"	-87°, 14', 28"	<u>Fully reclaimed</u>	Unnamed tributary to Patoka River South Fork
<u>017S</u>	017S S-0354	38°, 19', 27"	-87°, 15', 06"	<u>Fully reclaimed</u>	Hat Creek
<u>022</u>	022 S-0354	38°, 18', 43"	-87°, 15', 19"	<u>Fully reclaimed</u>	Unnamed tributary to Patoka River South Fork
<u>012S</u>	012S S-0354	38°, 19', 25"	-87°, 15', 08"	<u>Fully reclaimed</u>	Hat Creek

STATE OF INDIANA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

PUBLIC NOTICE NO. 2013 - 5D -GP

DATE OF NOTICE: May 15, 2013

The Office of Water Quality issues the following **NPDES GENERAL PERMIT**.

MODIFICATION

PEABODY MIDWEST MINING - SOMERVILLE EAST MINE, Permit No. ING040206, PIKE COUNTY, Arthur, IN. This modification is being issued because the facility is deleting 4 outfalls. The Notice of Intent (NOI) letter submitted complies with the requirements in 327 IAC 15-7, Facilities Engaged in Mining of Coal, Coal Processing and Reclamation Activities. Permit Writer: Sheri Jordan at 317/232-8703.

PROCEDURES TO APPEAL

General Permit documents are available for inspection at IDEM, Office of Water Quality/Permit Section, IGCN, 100 N Senate Ave, Indianapolis, IN, Room 1203, from 9 - 4, Monday-Friday (copies 10¢ per page). The General Permit is also available at the local Health Department. Please tell others you think would be interested in this matter.

Appeal Procedure: Any person affected by the issuance of the Final Permit may appeal by filing a Petition for Administrative Review with the Office of Environmental Adjudication within eighteen (18) days of the date of this Public Notice. Any appeal request must be filed in accordance with IC 4-21.5-3-7 and must include facts demonstrating that the party requesting appeal is the applicant; a person aggrieved or adversely affected or is otherwise entitled to review by law.

Timely filing: The Petition for Administrative Review must be received by the Office of Environmental Adjudication (OEA) within 18 days of the date of this Public Notice; either by U.S. Mail postmark or by private carrier with dated receipt. This Petition for Administrative Review represents a request for an Adjudicatory Hearing, therefore must:

- state the name and address of the person making the request;
- identify the interest of the person making the request;
- identify any persons represented by the person making the request;
- state specifically the reasons for the request;
- state specifically the issues proposed for consideration at the hearing;
- identify the Final Permit Rule terms and conditions which, in the judgment of the person making the request, would be appropriate to satisfy the requirements of the law governing this NPDES Permit rule.

If the person filing the Petition for Administrative Review desires any part of the NPDES Final Permit Rule to be stayed pending the outcome of the appeal, a Petition for Stay must be included in the appeal request, identifying those parts to be stayed. Both Petitions shall be mailed or delivered to the address here:
Phone: 317/232-8591.

Environmental Law Judge
Office of Environmental Adjudication
IGC - North Building- Rm 501
100 N. Senate Avenue
Indianapolis IN 46204

Stay Time frame: If the Petition (s) is filed within eighteen (18) days of the mailing of this Public Notice, the effective date of any part of the permit, within the scope of the Petition for Stay is suspended for fifteen (15) days. The Permit will become effective again upon expiration of the fifteen (15) days, unless or until an Environmental Law Judge stays the permit action in whole or in part.

Hearing Notification: Pursuant to Indiana Code, when a written request is submitted, the OEA will provide the petitioner or any person wanting notification, with the Notice of pre-hearing conferences, preliminary hearings, hearing stays or orders disposing of the Petition for Administrative Review. Petition for Administrative Review must be filed in compliance with the procedures and time frames outlined above. Procedural or scheduling questions should be directed to the OEA at the phone listed above.



Indiana Department of Environmental Management
NPDES General Permit Notice of Intent (NOI) Letter Submittal Application
327 IAC 15-7 Facilities Engaging in Mining of Coal, Coal Processing and Reclamation Activities

I. PURPOSE OF SUBMITTAL:				12/11/2012
Please check one box. Also provide existing permit number and reason for modification if applicable. You may attach additional sheets if they are needed.				
NEW	RENEW	MODIFY	EXISTING PERMIT NO.	IF MODIFICATION WHAT IS CHANGING
		X	ING040206	Outfalls 009S, 012S, 017S and 022 are being dropped from the permit.

II. GENERAL INFORMATION									
Complete all boxes in sections a and b for name of company and person who is to receive the permit. Complete boxes in sections c, d, e, f, g, h, and i or fill in N/A for non-applicable as they apply for the facility that the permit is to apply to.									
a. APPLICANT NAME (TO THE ATTENTION OF)				e. FACILITY SIC CODE		f. FACILITY COUNTY		g. DNR FACILITY NUMBER	
Peabody Midwest Mining, LLC. Attn: Robert Pendleton				1211		Pike		S-00354	
b. APPLICANT'S COMPANY AND COMPLETE MAILING ADDRESS				h. LATITUDE AND LONGITUDE OF APPROXIMATE FACILITY CENTER					
COMPANY NAME Peabody Midwest Mining, LLC.				Latitude			Longitude		
STREET ADDRESS 7100 Eagle Crest Boulevard				Degrees	minutes	seconds	degrees	minutes	seconds
CITY Evansville,	STATE IN	ZIP CODE 47715		38°	18'	27.3"	87°	15'	19.3"
c. FACILITY NAME				i. FACILITY TOWNSHIP, RANGE, SECTION, QUARTER SECTION					
Peabody Midwest Mining, LLC. Somerville East Mine				Township	Range		Section		Quartersection
				2S	7W		19 & 30		
				2S	8W		24 & 25		
d. FACILITY MAILING ADDRESS				j. FACILITY PHYSICAL LOCATION IF DIFFERENT FROM IId					
STREET ADDRESS 409 North Van Buren Street				STREET ADDRESS 2 miles South of Arthur, Indiana on Highway 61					
CITY Huntingburg	STATE IN	ZIP CODE 47542		CITY			STATE	ZIP CODE	

III. CONTACT INFORMATION AUTHORIZED SIGNATORY	
This section applies to the responsible corporate officer and/or alternate person who is authorized in writing by the responsible corporate officer to carry signatory responsibilities for the facility under 327 IAC 15-4-3 (g). Please complete all boxes or mark N/A for non-applicable. If the signatory is not a corporate officer please also submit the letter from the responsible corporate officer granting him/her this authority.	
a. APPLICANT SIGNATORY CONTACT PERSON AND TITLE	d. ALTERNATE PERSON TO ANSWER QUESTIONS
Robert Pendleton, Authorized Representative	Jeff Olyphant
b. APPLICANT SIGNATORY CONTACT PERSON TELEPHONE	e. ALTERNATE PERSON'S TELEPHONE
(812) 467-1920	(812) 434-8537
c. APPLICANT EMAIL ADDRESS	f. ALTERNATE PERSON'S EMAIL ADDRESS
rpndleton@peabodyenergy.com	jolyphant@peabodyenergy.com

IV. CONTACT INFORMATION OTHER:

DISCHARGE MONITORING REPORTS CONTACT AND MAILING INFORMATION		c. <u>CONTACT AND COMPANY NAME</u> Robert Pendleton Peabody Midwest Mining, LLC.		
a. <u>CONTACT TELEPHONE NUMBER</u> (812) 467-1920		d. <u>STREET ADDRESS</u> 7100 Eagle Crest Boulevard		
b. <u>CONTACT EMAIL ADDRESS</u> rpendleton@peabodyenergy.com		e. <u>CITY</u> Evansville	f. <u>STATE</u> IN	g. <u>ZIP CODE</u> 47715
ANNUAL FEE AND FINANCIAL CONTACT AND BILLING ADDRESS		i. <u>COMPANY AND CONTACT PERSON NAME</u> Robert Pendleton Peabody Midwest Mining, LLC		
h. <u>CONTACT TELEPHONE NUMBER</u> (812) 467-1920		k. <u>STREET ADDRESS</u> 7100 Eagle Crest Boulevard		
i. <u>CONTACT EMAIL ADDRESS</u> rpendleton@peabodyenergy.com		l. <u>CITY</u> Evansville	m. <u>STATE</u> IN	n. <u>ZIP CODE</u> 47715
OTHER CONTACT AND MAILING INFORMATION (SPECIFY BELOW)		q. <u>COMPANY AND CONTACT PERSON NAME</u> Jeff Olyphant Peabody Midwest Mining, LLC		
o. <u>CONTACT TELEPHONE NUMBER</u> (812) 467-1920		r. <u>STREET ADDRESS</u> 7100 Eagle Crest Boulevard		
p. <u>CONTACT EMAIL ADDRESS</u> jolyphant@peabodyenergy.com		s. <u>CITY</u> Evansville	t. <u>STATE</u> IN	u. <u>ZIP CODE</u> 47715

V. RULE QUALIFICATION:

The purpose of this rule is to regulate wastewater discharges from surface mining, underground mining, and reclamation projects which utilize sedimentation basin treatment for pit dewatering and surface run-off and to require best management practices for storm water run-off.

Does this facility meet these requirements? (please check one) ☒ YES ☐ X ☐ NO

Please provide a brief description of the facility operation that results in the discharge. You may attach additional sheets.

This facility is a surface coal mine. Stormwater is collected, and passed through sediment treatment structures designed by professional engineers to detain a 10year-24hour storm event.

VI. OUTFALL INFORMATION: Please fill out the following information FOR ALL OUTFALLS

a. IDEM OUTFALL NO.	b. DNR BASIN NO.	c. LATITUDE	d. LONGITUDE	e. DWBF*	f. MINE DRAINAGE STATUS	g. Is this discharge to a STORM SEWER	h. Name of RECEIVING WATER OR if it is YES name of OPERATOR OF MUNICIPAL STORM SEWER, AND WATER IT DISCHARGES TO
		deg min sec	deg min sec				
009S	009S	38 18 54	87 14 28	0	Dropped	N	Unnamed tributary to Patoka River South Fork
017S	017S	38 19 27	87 15 06	0	Dropped	N	Hat Creek
022	022	38 18 43	87 15 19	0	Dropped	N	Unnamed tributary to Patoka River South Fork
012S	012S	38 19 25	87 15 08	0	Dropped	N	Hat Creek
FC2	FCS	38 19 03	87 15 18	0	Reclamation	N	Hat Creek

* DWBF - Dry Weather Base Flow

VII. OUTFALL INFORMATION FOR MODIFICATIONS: Please provide the following if this is a request to ADD, DELETE, or CHANGE MINE DRAINAGE STATUS of one or more outfalls:

a. IDEM OUTFALL NO.	b. DNR BASIN NO.	c. DEL, ADD, or CHANGE	d. DATE OF CHANGE	e. REASON FOR THE CHANGE: EXPLAIN IN DETAIL AND ATTACH CONFIRMING DOCUMENTATION IN THE FORM OF INSPECTORS REPORTS, LAB DATA, ETC.
0095	0095	Change	02/01/2012	The areas tributary to this sediment basin are either eligible for phase II bond release or have received a phase III bond release.
0125	0125	Change	02/01/2012	The areas tributary to this sediment basin are either eligible for phase II bond release or have received a phase III bond release.
0175	0175	Change	02/01/2012	The areas tributary to this sediment basin are either eligible for phase II bond release or have received a phase III bond release.
022	022	Change	02/01/2012	The areas tributary to this sediment basin are either eligible for phase II bond release or have received a phase III bond release.

VIII. TOPOGRAPHICAL MAP

A topographical map must be submitted with this application. The map must include the following items:

- (A) the location of the coal mining operation, including contiguous facility property lines, shown clearly and identified by name and by mark;
- (B) the location of each numbered outfall shown clearly and identified by number and by mark;
- (C) the receiving streams and tributaries to them that each outfall discharges to shown clearly and identified by name;
- (D) any existing permanent structures or roads in the area shown clearly and identified by name.

Please attach this completed map to the application and submit both together.

IX. PROOF OF PUBLICATION

It is required that a public notice statement be published in a newspaper of largest circulation in the area where the discharge(s) will be occurring. This publication must be in the newspaper for a minimum of one day and must include the following language: (your facility name, address, address of the location of the discharging facility, and the streams receiving the discharge(s)) "is submitting a Notice of Intent letter to notify the Indiana Department of Environmental Management of our intent to comply with the requirement under 327 IAC 15-7 to discharge wastewater associated with the mining of coal, coal processing and /or reclamation activities. Any person aggrieved by this action may appeal in writing to the Environmental Law Judge of the Office of Environmental Adjudication for an adjudicatory hearing on the question of whether this facility should operate under this NPDES general permit rule. An appeal must be postmarked no later than fifteen (15) days from the date of this public notice. Such a written request for an adjudicatory hearing must:

- (A) state the name and address of the person making the request;
- (B) identify the interest of the person making the request;
- (C) identify any persons represented by the person making the request;
- (D) state with particularity the reasons for the request;
- (E) state with particularity the issues proposed for consideration at the hearing; and
- (F) state with particularity the reasons why the NPDES general permit rule should not be available to the discharger identified in this notice.

Any such request shall be mailed or delivered to:
 Office of Environmental Adjudication
 Indiana Government Center - North
 100 North Senate Avenue, Room N501
 Indianapolis, Indiana 46204"

Please attach proof of publication of this statement from the newspaper to the application and submit both together.

Please note: The public notice for this area was published with the original Notice of Intent. The outfalls being modified in this NOI were in areas that have previously been public noticed.

X. POTENTIALLY AFFECTED PERSONS FORM

Pursuant to IC 4-21.5 it is required that a Potentially Affected Person form be completed and submitted with this application. The form and instructions are attached.

Please note: No additional persons are potentially affected by the addition of this outfall. The original permit application included all potentially affected persons within, and adjacent to the permit area, unless noted herein.

XI. REQUIRED FEES:

A \$50 application fee is required to be submitted with applications for new permits, permit modifications, and permit renewals in accordance with IC 13-18-20-12. In addition the \$500 annual fee is required to be submitted for NEW APPLICATIONS at the time of submitting the application.

A check payable to IDEM in the amount of \$ 50.00 is attached to this application.

XII. NOTIFICATION OF INDIANA DEPARTMENT OF NATURAL RESOURCES

It is required in all circumstances that a copy of this application is sent to the Indiana Department of Natural Resources (IDNR) Division of Reclamation in Jasonville, Indiana.

I have forwarded a copy of this application as is required to Mr. Tim Corn, Indiana Department of Natural Resources, Division of Reclamation, 14619 West State Road 48, Jasonville, IN 47438 on this date.

XIII. CERTIFICATION STATEMENT

It is required by 327 IAC 15-4-3(g)(3) that the following statement shall be included in the application. The authorized signatory representative (as defined by 327 IAC 15-5-3(g)(2) and identified in item IIIa above) makes the following certification by signing and dating this section of the application below:

"I certify under penalty of law that this document and all its attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Robert Pendleton, Authorized Representative

(812) 467-1920

Name and official title (type or print)

Area Code and phone No.


Signature

12-11-12
Date signed

Submit completed form and attachments to the following address:

Indiana Department of Environmental Management
Office of Water Quality - Mail Code 65-42
NPDES Permits Section
100 North Senate Avenue
Indianapolis, Indiana 46204-2251

Peabody PEABODY MIDWEST MINING, LLC

Somerville East Mine

NPDES Permit # ING040206

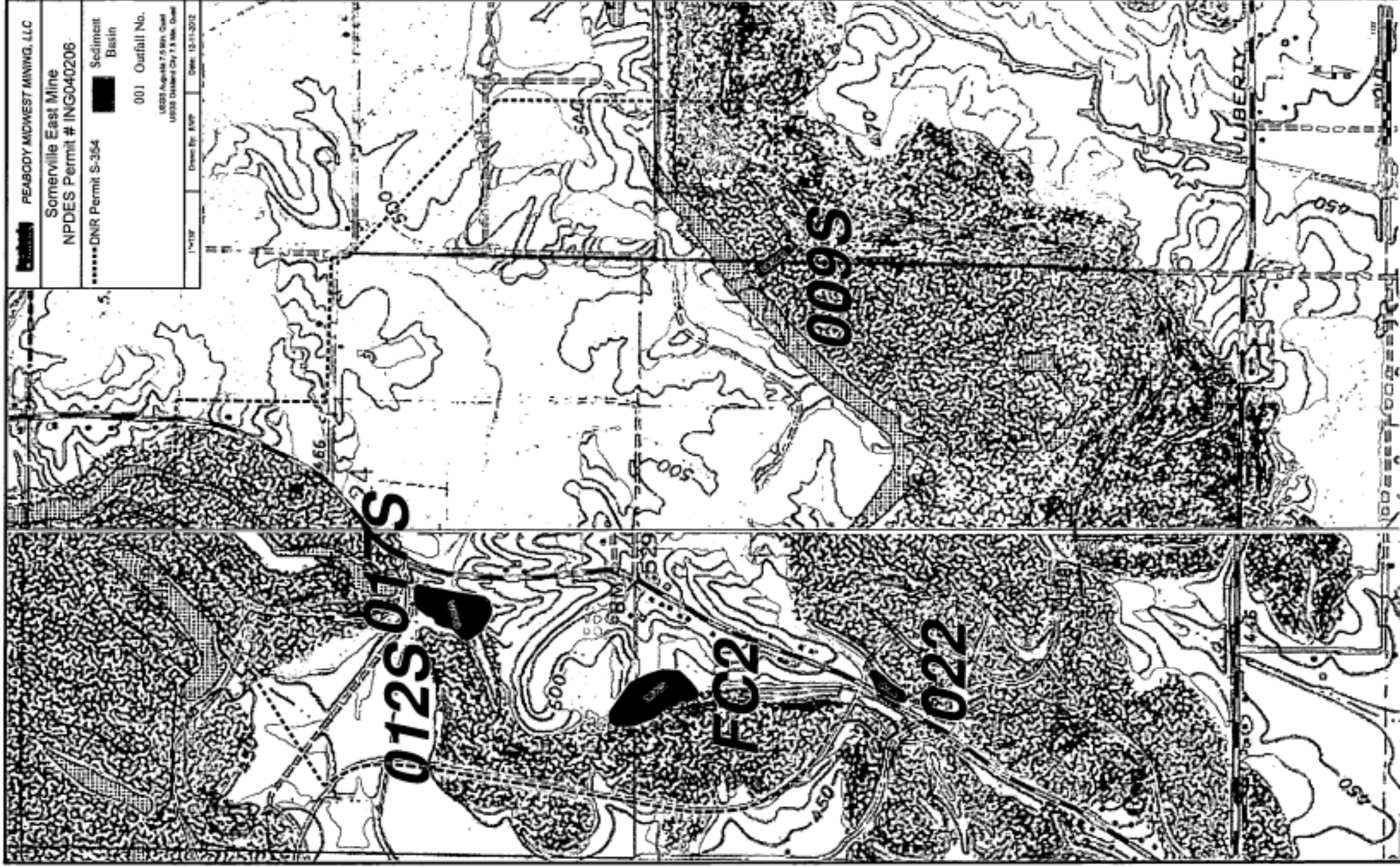
*****DNR Permit S-354

Sediment
Basin

001 Outfall No.

US200 August 7.0 Min. Coal
US200 Disturbed City 7.0 Min. Coal

1"=100' Drawn By: RVP Date: 12-11-2012





PEABODY MIDWEST MINING, LLC
7100 Eagle Crest Boulevard
Evansville, IN 47715
812.434.8500

Certified Mail 7003 0500 0002 4291 4999

December 11, 2012

Indiana Dept. of Environmental Management
Office of Water Management
Permits Section
100 North Senate Avenue
P. O. Box 6015
Indianapolis, IN 46206-6015

**RE: Notice of Intent of Comply with 327 IAC 15-7
Peabody Midwest Mining, LLC – Somerville East Mine
NPDES General Permit ING040206 - MODIFICATION**

Dear Sir or Madam:

On behalf of Peabody Midwest Mining, LLC, I am submitting the attached modification request for our Somerville East Mine NPDES permit ING040206.

1. Outfalls 009S, 012S, 017S and 022 have been dropped from the permit and are no longer needed. All areas tributary to these outfalls either have phase III bond release or are eligible for a phase II bond release.

The request for termination of outfalls was initiated by DNR Reclamation Specialist Tim Corn. Should you have any questions or comments regarding this submittal, please contact me at our Evansville office, (812) 467-1920.

Sincerely,

Robert Pendleton
Authorized Representative

cc: Mr. Tim Corn - DNR
Rich Montgomery, UMI
Somerville East NPDES File

IDEA
OFFICE OF
WATER QUALITY
2012 DEC 14 A 10:29


I. Identification of Potentially Affected Persons

Please list here any and all persons who you have reason to believe have a substantial or proprietary interest in this matter, or could otherwise be considered to be potentially affected under the law. Failure to notify any person who is later determined to be potentially affected could result in voiding our decision on procedural grounds. To ensure conformance with AOPA and to avoid reversal of a decision, please list all such parties. The letter attached to this form will further explain the requirements under the AOPA. Attach additional names and addresses on a separate sheet of paper, as needed. Please indicate below the type of action you are requesting.

Name: There are no new Potentially Street: Affected Persons in this submittal City/State/Zip:	Name: Street: City/State/Zip:
Name: Street: City/State/Zip:	Name: Street: City/State/Zip:
Name: Street: City/State/Zip:	Name: Street: City/State/Zip:
Name: Street: City/State/Zip:	Name: Street: City/State/Zip:
Name: Street: City/State/Zip:	Name: Street: City/State/Zip:
Name: Street: City/State/Zip:	Name: Street: City/State/Zip:
Name: Street: City/State/Zip:	Name: Street: City/State/Zip:

II. Please complete this form by signing the following statement.

I certify to the best of my knowledge I have listed all potentially affected parties, as defined by IC 4-21.5.

Signature: 	Printed Name: Robert Pendleton	Date: 12-11-12
Facility Name: Somerville East Mine		
Facility Address: Peabody Midwest Mining, LLC., 7100 Eagle Crest Blvd, Evansville, IN 47710		

III. Type of Action (check one)

- ☒ NPDES PERMIT - 327 IAC 5
☐ PRETREATMENT PERMIT - 327 IAC 5
☐ SEWER BAN WAIVER REQUEST - 327 IAC 4
☐ CONSTRUCTION PERMIT - 327 IAC 3

Return To:

Indiana Department of Environmental Management
Office of Water Quality
Permits Section
100 North Senate Avenue
Indianapolis, IN 46204